

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wilbur	Team: Team # 3	CCRB Case #: 200909919	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/20/2009 2:00 PM	Location of Incident: In the courtyard of § 87(2)(b)	Precinct: 28	18 Mo. SOL 12/20/2010	EO SOL 12/20/2010	
Date/Time CV Reported Fri, 06/26/2009 10:47 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/26/2009 10:47 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Mercedes	24886	943567	PSA 5
2. POM Jose Collazo	23740	945602	PSA 5
3. POF Michele Jackson	11882	947098	PSA 5
4. POM Orvin Feliciano	22257	942855	PSA 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jaime Feliciano	02915	922330	PSA 5
2. SGT Noreen Lazarus	02232	932885	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.POM Jose Collazo	Abuse: PO Jose Collazo stopped § 87(2)(b)	
B.POM Orvin Feliciano	Abuse: PO Orvin Feliciano stopped § 87(2)(b)	
C.POF Michele Jackson	Abuse: PO Michele Jackson stopped § 87(2)(b)	
D.POM Steven Mercedes	Abuse: PO Steven Mercedes stopped § 87(2)(b)	
E.POM Steven Mercedes	Discourtesy: PO Steven Mercedes spoke obscenely to § 87(2)(b)	
F.POM Steven Mercedes	Abuse: PO Steven Mercedes threatened to arrest § 87(2)(b)	
G.POM Jose Collazo	Discourtesy: PO Jose Collazo spoke obscenely to § 87(2)(b)	
H.POM Jose Collazo	Abuse: PO Jose Collazo threatened to arrest § 87(2)(b)	
I.POF Michele Jackson	Abuse: PO Michele Jackson threatened to arrest § 87(2)(b)	
J.POF Michele Jackson	Discourtesy: PO Michele Jackson spoke obscenely to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the Civilian Complaint Review Board on June 26, 2009, via telephone. § 87(2)(b) filed this complaint on behalf of himself, his mother, § 87(2)(b) and § 87(2)(b) (Encl 3-3a).

On June 20, 2009, at approximately 2:00 p.m., PO Orvin Feliciano, PO Michele Jackson, PO Jose Collazo and PO Steven Mercedes stopped and arrested § 87(2)(b) outside of § 87(2)(b) in Manhattan. The following allegations resulted:

- **Allegation A – Abuse of Authority:** PO Jose Collazo stopped § 87(2)(b) PO § 87(2)(b), § 87(2)(g)
- **Allegation B – Abuse of Authority:** PO Orvin Feliciano stopped § 87(2)(b) PO § 87(2)(b), § 87(2)(g)
- **Allegation C – Abuse of Authority:** PO Michelle Jackson stopped § 87(2)(b) PO § 87(2)(b), § 87(2)(g)
- **Allegation D – Abuse of Authority:** PO Steven Mercedes stopped § 87(2)(b) PO § 87(2)(b), § 87(2)(g)
- **Allegation E – Discourtesy:** PO Steven Mercedes spoke obscenely to § 87(2)(b) § 87(2)(b), § 87(2)(g)
- **Allegation F – Abuse of Authority:** PO Steven Mercedes threatened to arrest § 87(2)(b) § 87(2)(b), § 87(2)(g)
- **Allegation G – Abuse of Authority:** PO Jose Collazo spoke obscenely to § 87(2)(b) § 87(2)(g)
- **Allegation H – Abuse of Authority:** PO Jose Collazo threatened to arrest § 87(2)(b) § 87(2)(g)
- **Allegation I – Abuse of Authority:** PO Michele Jackson threatened to arrest § 87(2)(b) § 87(2)(b), § 87(2)(g)
- **Allegation J – Abuse of Authority:** PO Michele Jackson spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(b), § 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

§ 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on August 3, 2009 (Encl 4-4c). On June 20, 2009, at approximately 2:00 p.m., § 87(2)(b) exited his home located at § 87(2)(b) in Manhattan, a NYCHA building. § 87(2)(b) lives in this apartment with his mother, § 87(2)(b). § 87(2)(b) exited the building with § 87(2)(b) a friend of his who lives in the apartment complex. Once outside, § 87(2)(b) parted ways with § 87(2)(b) and walked towards her building. § 87(2)(b) had walked for less than three minutes when he was stopped by four officers, identified via investigation as PO Steven Mercedes, PO Jose Collazo, PO Orvin Feliciano and PO Michele Jackson. PO Mercedes asked § 87(2)(b) for his identification. § 87(2)(b) provided his identification; PO Mercedes looked at it and handed it back to § 87(2)(b). § 87(2)(b) asked PO Mercedes why he stopped him in the first place. PO Mercedes became irate, snatched § 87(2)(b)'s identification back and stated "Now motherfucker, I'm going to find something on you." The officers then walked § 87(2)(b) over to a railing. The entire time PO Mercedes was yelling "I hate you motherfuckers; this is why I hate this place." § 87(2)(b) approached § 87(2)(b) and asked him what was going on and if he was all right. § 87(2)(b) responded that he was all right and did not know what was occurring. PO Mercedes told § 87(2)(b) to back away and if she would not do so then he would arrest her for interfering with a police action, so § 87(2)(b) left the area.

One officer stated that § 87(2)(b) had a warrant. An unidentified officer then placed handcuffs on § 87(2)(b) as he was telling the officers that he did not have an open warrant. § 87(2)(b) came outside and approached her son and the officers. Mrs. § 87(2)(b) continually asked the officers what was happening to her son, and § 87(2)(b) told her to calm down and let him take care of everything. PO Collazo was arguing with Mrs. § 87(2)(b) and Mrs. § 87(2)(b) stated that she was going to pray for PO Collazo. PO Collazo told Mrs. § 87(2)(b) to "shut the fuck up." § 87(2)(b) heard an officer threaten to arrest Mrs. § 87(2)(b) but did not observe which officer said this. One of the officers called a van to the scene and another officer arrived identified as Sgt. Noreen Lazarus. § 87(2)(b) was placed in the van and taken to the PSA 5 stationhouse.

Once there, § 87(2)(b) was told he had an open warrant for unpaid child support. § 87(2)(b) stated that he knew that he was up to date on child support and that this was an unlawful arrest. § 87(2)(b) was eventually released from Manhattan Central Booking twenty-six hours later without being charged with anything.

Victim: § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

CCRB Testimony

Mrs. § 87(2)(b) was interviewed at the CCRB on July 17, 2009 (Encl 5-5b). On June 20, 2009, at approximately 1:55 p.m., Mrs. § 87(2)(b) was in her apartment located at § 87(2)(b) in Manhattan, with her son, § 87(2)(b). Mrs. § 87(2)(b) asked § 87(2)(b) to go to the local Western Union store. At 2:00 p.m., Mrs. § 87(2)(b) received a phone call that § 87(2)(b) was stopped by officers in the courtyard of the building. Mrs. § 87(2)(b) went downstairs and observed eight uniformed officers standing around § 87(2)(b). Mrs. § 87(2)(b) stated that § 87(2)(b) was acting calmly, but she was aggravated. § 87(2)(b) asked the officers why

they had stopped him and an officer responded that there was a warrant out for § 87(2)(b)'s arrest. § 87(2)(b) asked what kind of warrant, but the officers did not respond and they placed handcuffs on § 87(2)(b).

Mrs. § 87(2)(b) continually asked the officers what the warrant was for. PO Collazo told Mrs. § 87(2)(b) to back up at least three times, but Mrs. § 87(2)(b) would not. After the third time, PO Collazo told Mrs. § 87(2)(b) to “get the fuck back” or she would be arrested. § 87(2)(b) then arrived on scene and told Mrs. § 87(2)(b) that she had spoken to the officers prior to Mrs. § 87(2)(b) arriving. She stated that the officers told her to leave and after she would not, they threatened to arrest her. § 87(2)(b) now demanded of the officers to tell her what they were doing with § 87(2)(b) and PO Jackson told § 87(2)(b) to “get the fuck away” and “shut the fuck up” or else she would be arrested. § 87(2)(b) then left the area. Mrs. § 87(2)(b) told PO Collazo that he needed prayer in his life in order to become less nasty, and that she would pray for PO Collazo. PO Collazo then started to start laughing and saying that Mrs. § 87(2)(b) placed evil spirits on his in a sarcastic manner. Mrs. § 87(2)(b) asked to speak to a supervisor and Sgt. Lazarus arrived. Sgt. Lazarus explained to Mrs. § 87(2)(b) that § 87(2)(b) had an active warrant and would be brought back to the PSA 5 stationhouse. The original officers then placed § 87(2)(b) into a marked police van.

Attempts to Contact Civilians

A first please call letter was mailed to § 87(2)(b) on July 2, 2009. A final please call letter was mailed on July 7, 2009. The undersigned investigator called § 87(2)(b) and left a message for her on July 7, 2009. On July 7, 2009, the undersigned investigator spoke with § 87(2)(b) who stated that she was unsure if she wanted to participate in this investigation and that she would think about it. On July 14, 2009, and July 21, 2009, messages were left for § 87(2)(b). On July 23, 2009, the undersigned investigator spoke with § 87(2)(b) who stated that she was still thinking about participating in the investigation. On August 19, 2009, the undersigned investigator spoke with § 87(2)(b) who stated that she was too busy to participate in this investigation. Therefore, § 87(2)(b) did not participate in this investigation (Encl 19-19e).

NYPD Statements:

Subject Officer: PO STEVEN MERCEDES

- *PO Steven Mercedes is a § 87(2)(b) Hispanic male who is 5'10" tall, weighs 230 pounds with brown hair and brown eyes.*
- *On June 20, 2009, PO Mercedes worked from 10:30 a.m. until 7:05 p.m. PO Mercedes was assigned to an IMPACT squad and was assigned to foot post #§ 87(2)(b) inside of the § 87(2)(b) which is a NYCHA project. PO Mercedes worked with PO Jackson in uniform and worked on foot (Encl 8-8g).*

Memo Book

PO Mercedes's memo book indicates that at 1:45 p.m., § 87(2)(b) was stopped at the § 87(2)(b). At 1:56 p.m., § 87(2)(b) was arrested for disorderly conduct (Encl 8-8g).

Handwritten Arrest Worksheet

PO Mercedes filled out the arrest worksheet for § 87(2)(b) who was arrested for disorderly conduct by PO Mercedes. No force was used and § 87(2)(b) was observed causing a

public nuisance by using obscene language. In addition, a warrant check determined that there was an open warrant for § 87(2)(b) § 87(2)(b) (Encl 8-8g).

CCRB Testimony

PO Mercedes was interviewed at the CCRB on October 19, 2009 (Encl 8-8g). On June 20, 2009, at approximately 1:45 p.m., PO Mercedes was conducting verticals with PO Jackson inside of § 87(2)(b) § 87(2)(b) in the Bronx. This building is a NYCHA building as is § 87(2)(b) § 87(2)(b) which is directly adjacent to § 87(2)(b) § 87(2)(b). As PO Mercedes left § 87(2)(b) § 87(2)(b) he and his partner observed § 87(2)(b) § 87(2)(b) leave § 87(2)(b) § 87(2)(b). PO Mercedes first saw § 87(2)(b) § 87(2)(b) when he had already left the building. § 87(2)(b) § 87(2)(b) looked at the officers, immediately changed the direction that he was walking, started walking away from the officers and hurried his pace. PO Mercedes decided to stop § 87(2)(b) § 87(2)(b) for suspicion of criminal trespassing since he changed direction and because the location is drug-prone. PO Mercedes did not observe § 87(2)(b) § 87(2)(b) enter the building. PO Mercedes stated that he did not discuss with PO Jackson what he had seen, but believed that she had seen the same thing.

§ 87(2)(b) § 87(2)(b) stopped when instructed to do so by PO Mercedes, but his demeanor was immediately aggressive and confrontational. § 87(2)(b) § 87(2)(b) also used profanity, telling the officers to “stop fucking bothering him,” and “I pay your fucking salary.” PO Mercedes explained why he had stopped § 87(2)(b) § 87(2)(b) and asked § 87(2)(b) § 87(2)(b) for his identification at least once but possibly more times. § 87(2)(b) § 87(2)(b) initially refused to provide this information, stating that the officers had no right to stop him. Eventually § 87(2)(b) § 87(2)(b) provided a Benefit card to PO Mercedes which confirmed his identity but did not have an address on it. Approximately five minutes after being stopped § 87(2)(b) § 87(2)(b) approached § 87(2)(b) § 87(2)(b) and told the officers to stop harassing him. PO Mercedes told § 87(2)(b) § 87(2)(b) to leave the area since she was impeding a police action, but did not threaten to arrest her, nor did any other officer. PO Mercedes recalled that other officers arrived at this point but could not recall who they were besides PO Feliciano. An officer ran § 87(2)(b) § 87(2)(b) s name for active warrants and it came up positive, but PO Mercedes could not recall what that warrant was for.

An officer handcuffed § 87(2)(b) § 87(2)(b) and at approximately the same time, Mrs. § 87(2)(b) § 87(2)(b) came downstairs and started to argue with the officers. She did not raise her voice, but told the officers that they were harassing her son, and she worked with the police all the time. An officer called for a sergeant to the scene, and Sgt. Lazarus arrived with a prisoner van. § 87(2)(b) § 87(2)(b) was placed into the van and Sgt. Lazarus spoke with Mrs. § 87(2)(b) § 87(2)(b) for a few moments. PO Mercedes stated at no point did any officer or himself threaten to arrest Mrs. § 87(2)(b) § 87(2)(b) or § 87(2)(b) § 87(2)(b). At no point did he or any other officer use profanity towards § 87(2)(b) § 87(2)(b) Mrs. § 87(2)(b) § 87(2)(b) or § 87(2)(b) § 87(2)(b). PO Mercedes never observed § 87(2)(b) § 87(2)(b) enter any buildings, nor did any civilians approach him besides Mrs. § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b). PO Mercedes did not indicate why he did not fill out the Stop, Question and Frisk Report.

Subject Officer: PO JOSE COLLAZO

- *PO Collazo is a § 87(2)(b) § 87(2)(b) Hispanic male who is 5’9” tall, weighs 138 pounds with black hair and brown eyes.*
- *On June 20, 2009, PO Collazo worked from 10:30 a.m. until 7:05 p.m. He was partnered with PO Orvin Feliciano and was assigned to a foot post in the vicinity of § 87(2)(b) § 87(2)(b) in Manhattan. PO Collazo was in uniform and was not assigned to a vehicle (Encl 10-10f).*

Memo Book

PO Collazo's memo book indicates that at 1:35 p.m., there was one male stopped, identified as § 87(2)(b) in the vicinity of § 87(2)(b). PO Collazo filed a Stop, Question and Frisk report, and verified § 87(2)(b)'s address (Encl 10-10f).

Stop, Question and Frisk Report

PO Collazo filled out a Stop, Question and Frisk report for § 87(2)(b). PO Collazo stated that § 87(2)(b) was stopped for criminal trespassing in a housing project. It states that § 87(2)(b) was stopped due to keyless entry of a housing building, that the area he was in has a high incidence of reported offense that the time corresponds to criminal activity and proximity to the scene of a suspected offense. § 87(2)(b) was not frisked or searched and his demeanor was nervous and upset (Encl 10-10f).

CCRB Testimony

PO Collazo was interviewed at the CCRB on October 26, 2009 (Encl 10-10f). On June 20, 2009, at approximately 1:40 p.m., PO Collazo and PO Feliciano were conducting verticals inside of § 87(2)(b) in Manhattan. As PO Collazo entered the building he observed § 87(2)(b) enter § 87(2)(b) via the front door, and he did not use a key. PO Collazo stated that many residents of the building enter without a key, as the front door is broken and is perpetually open. PO Collazo stated that he did not stop § 87(2)(b) for entering the building without a key, and that at that point he was not suspicious of § 87(2)(b). Twenty minutes later, PO Collazo exited § 87(2)(b) and he and PO Feliciano observed § 87(2)(b) exit his building. Upon seeing the officers, § 87(2)(b) placed his hands in his pockets, looked around nervously, and walked the opposite direction of the officers. PO Collazo walked towards § 87(2)(b) and instructed him to stop, which he did. PO Collazo asked § 87(2)(b) if he lived in § 87(2)(b) and § 87(2)(b) responded that he did. PO Collazo asked for his identification and § 87(2)(b) asked why he had to show the officers his "fucking" identification. PO Collazo explained that this was procedure and he wanted to confirm that § 87(2)(b) lived where he said that he did. § 87(2)(b) handed PO Collazo the identification with his address on it. PO Collazo explained that he was going to write down the information and § 87(2)(b) asked why PO Collazo was writing down his "fucking" information. § 87(2)(b) began to get louder and PO Mercedes and PO Jackson arrived on scene.

§ 87(2)(b) continued to use profanity and got louder and § 87(2)(b) arrived on scene and called Mrs. § 87(2)(b). PO Mercedes asked § 87(2)(b) for his identification to check it for active warrants, which he did. PO Mercedes determined that § 87(2)(b) had an open warrant. Mrs. § 87(2)(b) came down to the scene at this point and called PO Collazo a "skinny motherfucker." In addition, Mrs. § 87(2)(b) told PO Collazo that she was going to pray that harm comes to his family. PO Mercedes handcuffed § 87(2)(b) and called for a transport. Sgt. Lazarus arrived on scene and transported him back to the precinct. At no point did any additional officers arrive on scene besides the officers outlined above. At no point did any officer, including PO Collazo use profanity towards § 87(2)(b), Mrs. § 87(2)(b) or § 87(2)(b) nor did any officer including PO Collazo threaten to arrest § 87(2)(b) or Mrs. § 87(2)(b).

Subject Officer: PO MICHELE JACKSON

- *PO Jackson is a § 87(2)(b) black female who is 5'8" tall, weighs 155 pounds with black hair and brown eyes.*
- *On June 20, 2009, PO Jackson worked from 10:30 a.m. until 7:05 p.m. She was assigned to a foot post inside of the King projects and was working with PO Mercedes. PO Jackson was in uniform and was working on foot (Encl 11-11d).*

Memo Book

PO Jackson's memo book indicates that at 1:35 p.m., she and PO Mercedes were canvassing the § 87(2)(b). At 1:40 p.m., § 87(2)(b) was stopped for criminal trespassing at the rear of § 87(2)(b). At 1:56 p.m., § 87(2)(b) was arrested by PO Mercedes for disorderly conduct (Encl 11-11d).

CCRB Testimony

PO Jackson was interviewed at the CCRB on October 27, 2009 (Encl 11-11d). On June 20, 2009, at approximately 1:40 p.m., PO Jackson was exiting § 87(2)(b) in Manhattan after having conducted verticals in the building with PO Mercedes. The officers observed § 87(2)(b) exiting § 87(2)(b). Neither PO Jackson nor PO Mercedes recognized § 87(2)(b) and as such stopped him to verify whether he lived in the building that he had just exited which is a NYCHA building. This was the sole reason for stopping § 87(2)(b) and PO Jackson did not see § 87(2)(b) enter any buildings without a key. PO Mercedes asked § 87(2)(b) for his identification, and § 87(2)(b) was immediately rude, yelling that the officers were constantly harassing him and other black men. In addition, he used profanity, although PO Jackson could not recall specifically what he said. PO Mercedes explained to § 87(2)(b) why the officers had stopped him, although that did not calm § 87(2)(b) down.

PO Mercedes asked § 87(2)(b) for his identification at least twice before it was provided. PO Jackson could not recall what identification was provided. PO Mercedes had decided to issue § 87(2)(b) a summons for disorderly conduct as he was yelling and cursing. PO Collazo and PO Feliciano observed this interaction at this point and walked over to the other officers. As PO Mercedes was writing down § 87(2)(b)'s information, § 87(2)(b) walked to the officers and called Mrs. § 87(2)(b) on the telephone. § 87(2)(b) was not speaking to the officers but was loudly speaking into her phone stating that the officers were harassing § 87(2)(b) and that the officers should be arresting drug dealers. § 87(2)(b) used profanity, but PO Jackson could not specifically recall what was said. While this was occurring, PO Mercedes ran § 87(2)(b)'s name for open warrants and the check came back positive, so PO Mercedes placed handcuffs on § 87(2)(b) in order to arrest him. Approximately five minutes later Mrs. § 87(2)(b) came downstairs and began to yell at PO Collazo calling him a "motherfucker" and waved her cane at him. Mrs. § 87(2)(b) also stated that she paid the officers' salaries and that she was the head of the tenant patrol association. PO Jackson never spoke to § 87(2)(b) or Mrs. § 87(2)(b) nor could she recall any other officer speaking to those two women. PO Jackson never heard PO Mercedes or PO Collazo used profanity towards anyone, nor did they threaten to arrest § 87(2)(b) or Mrs. § 87(2)(b). PO Jackson did not, nor did she hear any other officer use profanity or threaten to arrest § 87(2)(b) or Mrs. § 87(2)(b). At no point did any other civilians arrive on scene.

Witness Officer: PO ORVIN FELICIANO

- *PO Orvin Feliciano is a § 87(2)(b) Hispanic male who is 5'7" tall, weighs 160 pounds with black hair and brown eyes.*

- On June 20, 2009, PO Feliciano worked from 10:30 a.m until 7:05 p.m. He was assigned to foot post #§ 87(2)(b) which is inside of the § 87(2)(b) complex. PO Feliciano worked with PO Collazo was in uniform and on foot (Encl 7-7e).

Memo Book

PO Feliciano's memo book indicates that at 1:35 p.m., § 87(2)(b) was stopped outside of § 87(2)(b) and that foot post #§ 87(2)(b) provided back up (Encl 7-7e).

CCRB Testimony

PO Feliciano was interviewed at the CCRB on October 29, 2009 (Encl 7-7e). On June 20, 2009, at approximately 1:35 p.m., PO Feliciano and PO Collazo were conducting lobby checks and patrolling the § 87(2)(b) in the Bronx. PO Feliciano was in front of § 87(2)(b) when PO Collazo stated that he observed § 87(2)(b) exit § 87(2)(b), and upon observing the officers he appeared nervous and walked in the opposite direction. PO Collazo told PO Feliciano that they should stop § 87(2)(b) to verify that he lived inside of the building that he had exited. PO Feliciano did not observe any reason to stop § 87(2)(b) but did so solely based on PO Collazo's observation. PO Feliciano did not observe § 87(2)(b) enter a building without a key. The officers approached § 87(2)(b) and PO Collazo asked him for identification. § 87(2)(b) was immediately aggravated and yelled at the officers that they constantly stop and harass him, and that they should stop bothering him. He and PO Collazo argued for a few seconds before § 87(2)(b) provided his identification. PO Feliciano could not recall what type of identification it was, but did recall that it verified that § 87(2)(b) lived in the building that he had exited. PO Feliciano believed that § 87(2)(b) was using profanity at this point, but could not specifically recall what. PO Collazo began to fill out a Stop, Question and Frisk report for § 87(2)(b) and at the same time an unidentified male walked past the officers. § 87(2)(b) told this male to call his mother and tell her what was occurring.

Right after this male left, PO Mercedes and PO Jackson arrived on scene, since they had observed § 87(2)(b) acting upset. PO Mercedes attempting to explain to § 87(2)(b) why the officers had stopped him, but § 87(2)(b) did not calm down. PO Mercedes then ran § 87(2)(b)'s name for warrants. After five minutes, Mrs. § 87(2)(b) came down and immediately cursed at the officers. She specifically targeted PO Collazo and called him a "skinny motherfucker" and told him that she was going to pray that harm comes to him and his family. At no point did PO Feliciano observe any females besides Mrs. § 87(2)(b). PO Feliciano did not use any profanity during this incident, nor did he hear any other officer use profanity. PO Feliciano did not, nor did he hear any other officer threaten to arrest Mrs. § 87(2)(b) or any other civilian. At the end of the incident, Sgt. Lazarus arrived on scene in order to calm the situation and she spoke to Mrs. § 87(2)(b) and instructed her to calm down and leave the area, which she did. PO Feliciano did not recall what happened to § 87(2)(b).

Witness Officer: PO JAMIE FELICIANO

- PO Jamie Feliciano is a § 87(2)(b) Hispanic male who is 5'9" tall, weighs 195 pounds with black hair and brown eyes (Encl 9-9c).

CCRB Testimony

PO Jamie Feliciano was interviewed at the CCRB on October 26, 2009 (Encl 9-9c). On June 20, 2009, PO J. Feliciano was assigned to Sgt. Felder as the sergeant's operator. At no point was

he present for this incident, and stated that it was actually PO Orvin Feliciano who was present for this incident.

Witness Officer: SGT. NOREEN LAZARUS

- *Sgt. Lazarus is a § 87(2)(b) white female who is 5'2" tall, weighs 105 pounds with red hair and hazel eyes.*
- *On June 20, 2009, Sgt. Lazarus worked from 10:15 a.m. until 7:12 p.m. Sgt. Lazarus was the IMPACT supervisor and was partnered with PO Busch. Sgt. Lazarus was in uniform and assigned to a marked van (Encl 6-6e).*

Memo Book

Sgt. Lazarus's memo book indicates that at 1:56 p.m., she was called to transport § 87(2)(b) to the stationhouse. At 2:05 p.m., Sgt. Lazarus report to the stationhouse (Encl 6-6e).

CCRB Testimony

Sgt. Lazarus was interviewed at the CCRB on November 5, 2009 (Encl 6-6e). On June 20, 2009, at approximately 2:00 p.m., Sgt. Lazarus was called by an unknown officer to the vicinity of § 87(2)(b) in Manhattan, in order to transport § 87(2)(b) who was being arrested for having an open warrant. When Sgt. Lazarus arrived there, she observed § 87(2)(b) who was acting calmly and Mrs. § 87(2)(b) who asked Sgt. Lazarus if the captain was on duty. Sgt. Lazarus had not interacted with Mrs. § 87(2)(b) prior to this date. § 87(2)(b) was placed inside of the van and transported back to the stationhouse. At no point did Sgt. Lazarus hear an officer use profanity or threaten to arrest anyone.

NYPD Documents

SPRINT Report

The SPRINT report indicates that at 1:34 p.m., there was one male stopped by housing foot post #§ 87(2)(b) which corresponds to PO Mercedes' assignment. A warrant check was run for § 87(2)(b) and he was arrested at 1:56 p.m. In addition, a housing IMPACT sergeant using car #§ 87(2)(b) was called and arrived at the scene. At 1:56 p.m., PO Mercedes arrested one person (Encl 12).

Roll Call

The roll call for PSA 5 on June 20, 2009, tour 2 indicates that PO Mercedes, PO Jackson, PO Collazo and PO Orvin Feliciano were all assigned to the IMPACT squad. PO Mercedes was assigned to post #§ 87(2)(b) PO Jackson to post #§ 87(2)(b) PO Collazo to post #§ 87(2)(b) and PO Orvin Feliciano to post #§ 87(2)(b) (Encl 15-15d).

§ 87(2)(a) 160.50

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of the date of this report with regard to the incident (Encl 18).

Civilians Criminal History

- As of the date of this report, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) or § 87(2)(b) (Encl 19-19e).

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) and § 87(2)(b). A spin-off complaint has been forwarded to the Office of the Chief of Department via case number #200909920 regarding § 87(2)(b)'s allegation of false arrest (Encl 2-2e).

Subject Officers CCRB History

- PO Steven Mercedes has been a member of the service for 2-years and there are no substantiated CCRB allegations against him (Encl 2-2e).
- PO Jose Collazo has been a member of the service for 1-year and there are no substantiated CCRB allegations against him (Encl 2-2e).
- PO Michele Jackson has been a member of the service for 1-year and there are no substantiated CCRB allegations against her (Encl 2-2e).
- PO Orvin Feliciano has been a member of the service for 1-year and there are no substantiated CCRB allegations against him (Encl 2-2e).

Conclusion

Identification of Subject Officers

PO Mercedes acknowledged that he interacted with § 87(2)(b) and Mrs. § 87(2)(b).
PO Collazo acknowledged that he interacted with § 87(2)(b) and Mrs. § 87(2)(b).
PO Jackson acknowledged that he interacted with § 87(2)(b) and Mrs. § 87(2)(b).
PO Orvin Feliciano acknowledged that he interacted with § 87(2)(b) and Mrs. § 87(2)(b).
Given that § 87(2)(b) alleged that all four officers conducted the initial stop of him, and that all four officers independently acknowledged that they were the officers who initially stopped § 87(2)(b), they are all subject officers.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Jose Collazo stopped § 87(2)(b)

Allegation B – Abuse of Authority: PO Orvin Feliciano stopped § 87(2)(b)

Allegation C – Abuse of Authority: PO Michelle Jackson stopped § 87(2)(b)

Allegation D – Abuse of Authority: PO Steven Mercedes stopped § 87(2)(b)

§ 87(2)(b) alleged that all of the officers, PO Collazo, PO Orvin Feliciano, PO Michelle Jackson and PO Steven Mercedes, stopped him shortly after he had exited his apartment building.

PO Collazo testified that he and his partner, PO Orvin Feliciano were the first two officers to stop § 87(2)(b). PO Collazo stated that he observed § 87(2)(b) enter the building without a key [a keyless entry was also noted on the Stop, Question and Frisk report that PO Collazo completed]; however, PO Collazo admitted that that was not the reason for the stop, as the door to the apartment building is perpetually open and individuals make keyless entries into the building all day long. However, twenty minutes later, PO Collazo observed § 87(2)(b) exit the building with his hands in his pocket; he looked nervous and walked in the opposite direction upon seeing the officers. PO Collazo indicated that he and his partner, PO Orvin Feliciano, initiated the stop,

and that PO Jackson and PO Mercedes arrived only after § 87(2)(b) had already provided his identification to them. § 87(2)(b), § 87(2)(g)

§ 87(2)(b); PO Feliciano testified that he did not observe § 87(2)(b) do anything that would warrant a stop. PO Feliciano stated that § 87(2)(b) was observed exiting the building and that he appeared nervous; at that point, PO Orvin Feliciano assisted PO Collazo in the stop of § 87(2)(b)

§ 87(2)(g), PO Mercedes and PO Jackson, claimed that *they* actually made the initial stop of § 87(2)(b) and that PO Collazo and PO Orvin Feliciano arrived only after § 87(2)(b) had already been stopped. § 87(2)(g)

PO Mercedes testified that he and PO Jackson initiated the stop of PO Jackson given that § 87(2)(b) changed directions upon seeing the officers. PO Jackson testified that both she and PO Mercedes observed § 87(2)(b) exiting his building and that the sole reason for the stop was to verify that he lived in the apartment building that he had just exited.

§ 87(2)(b), § 87(2)(g)

According to *People vs. Holland, N.Y.L.J. (5/2/97)*, officers must possess an “objective, credible reason” to approach an individual and request information. However, officers are not allowed to request information from an individual who is merely exiting a building. An individual’s presence in the building is insufficient reasoning to approach; additional factors are required (Encl 1-1b). § 87(2)(b), § 87(2)(g)

Allegation E – Discourtesy: PO Steven Mercedes spoke obscenely to § 87(2)(b)

Allegation G – Abuse of Authority: PO Jose Collazo threatened to arrest § 87(2)(b)

Allegation H – Discourtesy: PO Jose Collazo spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that PO Mercedes used profanity towards him. Mrs. § 87(2)(b) alleged that PO Collazo threatened to arrest her and used profanity towards her. All four officers stated that at no point did any use profanity towards § 87(2)(b) or Mrs. § 87(2)(b) or threaten to arrest Mrs.

§ 87(2)(b) § 87(2)(g)

Allegation F – Abuse of Authority: PO Steven Mercedes threatened to arrest § 87(2)(b)

Allegation I – Abuse of Authority: PO Michele Jackson threatened to arrest § 87(2)(b)

Allegation J – Discourtesy: PO Michele Jackson spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that PO Mercedes threatened to arrest § 87(2)(b) Mrs. § 87(2)(b) alleged that PO Jackson threatened to arrest § 87(2)(b) and used profanity towards her. All four officers stated that at no point did PO Mercedes threaten to arrest § 87(2)(b) or PO Jackson threaten to arrest or use profanity towards § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: 3

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Investigator:	_____	<u>Benjamin Wilbur</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date